

January 24, 2005
Seven o'clock P.M.
Council Chambers, City Hall
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, January 24, 2005, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: MARTIN GIPSON, NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, GARY BERRY, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (8/0).

The invocation was given by Alderman Berry, followed by the pledge of allegiance to the flag which was led by Alderman Parker.

On the motion of Alderman Witcher and seconded by Alderman Gipson, and by consent of all members present, the minutes from a regular council meeting held on Monday, January 10, 2005 and a special call meeting held on Thursday, January 13, 2005, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, communication #1, 2, 3, 4, 5, 6, and 7 were not read, but accepted and filed (8/0).

1. Kelly Sanderson, 6604 Pontiac, petition requesting speed hump on Pontiac (41 signatures).
2. Sharon Tedford, Mayor's Office memorandum re: replacement retail beer and liquor permit for Pike Plaza Liquor, 2619 Pike Avenue by Kevin Michael Dugan.
3. Donya Alexander, 918 Kierre Drive, petition requesting speed hump (or stop sign or other alternative deterrent) on Kierre Drive (22 signatures).
4. Sharon Tedford, Mayor's Office memorandum re: application for new restaurant wine and beer permit for Wingstop, 2913 Lakewood Village Drive by Paul Eldon Leonard.
5. Sharon Tedford, Mayor's Office memorandum re: replacement retail beer off premise permit for Sanjel Super Store f/k/a Parkway Quick Stop by Christina Estrada.
6. Leslie S. Brunson, Board Chairman ILPOA (Indianhead Lake Property Owners Association) letter to City Council re: support putting bridge over five-mile creek and back in Master Street Plan.
7. Robert Voyles, Planning Director memorandum re: Summary of Changes in the proposed 2005 zoning ordinance.

On the motion of Alderman Hight and seconded by Alderman Berry, and by consent of all members present, communication #8 was read by title only, accepted and filed (8/0).

8. Mayor Hays letter to City Council re: Lease with AR Queen, LLC and changes to Section 2 (use), and Section 3 (term) March 1, 2006.

Mayor Hays advised it would not be possible to begin operations as soon as expected. Improvements to the riverbank are needed, along with other work in the area. To move back implementation of the agreement would be more cost effective for the city.

Mayor Hays advised Alderman Hight would discuss proposed legislation regarding the proposed Fairway Bridge. A public hearing will be held this date, then he will withdraw the legislation. Alderman Hight and Alderman Witcher will work on future legislation concerning the bridge. A Ward 4 public hearing would be held at that time. Mayor Hays convened a public hearing at 7:05 p.m. Mr. Thurman Booth lives at 604 Indian Bay Drive, Sherwood. He represents the Sherwood Quality Growth Council. Mr. Booth read a prepared statement and advised they support the bridge on Fairway and encouraged the council to support the wishes of the majority. Mr. Billy Short spoke at the last meeting. He is for the bridge. Mayor Hays asked all present supporting the bridge to stand and all opposed to the bridge to also stand. Mayor Hays advised audience members it would be important for them to speak when the Aldermen convene a public hearing in the future regarding the bridge. Mr. Mike Mosley commended Alderman Hight for reconsidering the proposal. Mr. Mosley said a number of issues are causing problems for interstate access. Mayor Hays said he would consider asking Metroplan to review the traffic situation in the area. Mrs. Sarah Mosley lives on Fairway and drives on the access roads. She asked if the highway department could consider moving the exit ramp in the area of Somers and suggested looking to the East of the interstate to alleviate the traffic problem and asked the city to consider traffic plans used in Russellville and Conway. Mr. Terry Rechard is a Sociologist at the University of Arkansas at Little Rock and lives behind Five-Mile Creek. Traffic and land development are not uncommon to any growing area. Opening Fairway would create another traffic flow problem due to density in the area. Mayor Hays asked the legislation be called.

O-05-04

AN ORDINANCE REPEALING ORDINANCE 7266; INCLUDING A PLANNED BRIDGE ON FAIRWAY OVER FIVE MILE CREEK IN THE MASTER STREET PLAN; AND FOR OTHER PURPOSES, was read one time on January 10, 2005, was read a second time and withdrawn by the sponsor, Alderman Hight.

The public hearing continued. Ms. Lori McCauley asked the city to get updated data regarding traffic flow before making a decision. Mr. Jim Wallace said he and others are against the bridge, but will wait to speak when the final proposal is before the council. Mr. Gary Chamberlin has lived in North Little Rock for 35 years and was Chairman of Metroplan's Transportation Advisory Council. Mr. Chamberlin said more alternatives create a stronger community. Ms. Evelyn Witham lives on Kohler and is concerned about her children and her investment in her home. She walks to the Fairway pool and said opening Fairway would change the quite community they are accustomed to. Mayor Hays adjourned the public hearing for three minutes.

Mayor Hays advised Mrs. Jo Melton wanted to speak and submit petitions which were circulated in Sherwood for Mr. Mike Mosley, opposing the bridge over Five-Mile Creek on Fairway. Mrs. Melton also submitted copies of the petitions which were circulated five years ago. Ms. Whitbey received the petitions which will be made a part of the record of this meeting. Mrs. Melton reviewed a portion of the North Little Rock Master Street Plan. The general objectives are to provide efficient

and safe transportation of people and goods and to minimize the effect of traffic in residential areas. Mrs. Melton has worked on this for a long time and reiterated that the people in the neighborhood do not want this bridge.

UNFINISHED BUSINESS

R-05-01

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH ARKANSAS RIVER CRUISES, LLC, TO LEASE CERTAIN PORTIONS OF RIVERFRONT PARK; AND FOR OTHER PURPOSES, was called and withdrawn by the sponsor, Mayor Hays.

R-05-03 (RESOLUTION NO. 6703 - ALDERMAN WITCHER)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 30 CORONADO CIRCLE IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read. Mayor Hays convened a public hearing regarding the same. There being no one present wishing to be heard, the public hearing was adjourned. On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, the resolution was amended as follows:: SUBSTITUTE COPY PROVIDED THIS DATE *and add to end of first whereas* AND WHEREAS PROPER NOTICE WAS GIVEN TO INTERESTED PARTIES PURSUANT TO NORTH LITTLE ROCK MUNICIPAL CODE PROVISIONS; AND, *and Section 3 insert* , THE HEALTH OFFICER OR OTHER DULY DESIGNATED OFFICER OF THE CITY SHALL PROCEED TO ABATE SUCH NUISANCE AND SHALL PREPARE A STATEMENT OF COSTS INCURRED IN THE ABATEMENT THEREOF *and delete the structures shall be torn down and/or removed by the Director of Community Planning or his duly designated representative. and new Section 4* ALL COSTS INCURRED BY THE CITY IN THE ABATEMENT OF THE NUISANCE SHALL CONSTITUTE A LIEN AGAINST THE PROPERTY, WHICH LIEN SHALL BE FILED, PROVEN AND COLLECTED AS PROVIDED BY NORTH LITTLE ROCK MUNICIPAL CODE §42-61 AND STATE LAW, AND THE CITY MAY PROCEED WITH ENFORCEMENT OF SUCH LIEN AS NECESSARY (8/0). On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

NEW BUSINESS

R-05-04 (RESOLUTION NO. 6704 - MAYOR HAYS)

A RESOLUTION REAPPOINTING R. SIDNEY CRYMES, III TO THE AIRPORT COMMISSION, AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-05 (RESOLUTION NO. 6705 - MAYOR HAYS)

A RESOLUTION REAPPOINTING ALDERMAN CHARLIE HIGHT TO THE ADVERTISING & PROMOTION COMMISSION, AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-06 (RESOLUTION NO. 6706 - MAYOR HAYS)

A RESOLUTION REAPPOINTING ELAINE CARPENTER, CURTIS SYKES, EVELYN JAMES, HERMAN SHIRLEY, ANN CLEMENTS AND SUSAN GORDAN GUNTER TO THE HISTORY COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-07 (RESOLUTION NO. 6707 - MAYOR HAYS)

A RESOLUTION REAPPOINTING TODD LARSON, DAN SCOTT AND JOE A. SMITH TO THE NORTH LITTLE ROCK PUBLIC BUILDING AUTHORITY, AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-08 (RESOLUTION NO. 6708 - MAYOR HAYS)

A RESOLUTION REAPPOINTING ANTHEL D. MARLIN, DEBRA ROBERTS AND CARL JACKSON TO THE PLANNING COMMISSION BOARD OF ADJUSTMENT & APPEALS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Thomas, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-09 (RESOLUTION NO. 6709 - MAYOR HAYS)

A RESOLUTION REAPPOINTING TOMMY HENDRICKS, STEVE WHITE, JERRY PHILLIPS AND NORMAN CLIFTON TO THE PLANNING COMMISSION, AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Gipson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-10 (RESOLUTION NO. 6710 - MAYOR HAYS)

A RESOLUTION REAPPOINTING MRS. SHIRLEY LINDSEY TO THE LIBRARY COMMISSION, AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-11 (RESOLUTION NO. 6711 - MAYOR HAYS)

A RESOLUTION REAPPOINTING BRAD HUGHES TO THE HOUSING AND BUILDING BOARD OF ADJUSTMENT & APPEALS ~~SIGN BOARD COMMISSION~~, AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderman Witcher. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the resolution was amended as follows: *in the title, first whereas and Section 1, delete SIGN BOARD and insert* THE HOUSING AND BUILDING BOARD OF ADJUSTMENT & APPEALS. On the

motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-05-12 (RESOLUTION NO. 6712 - MAYOR HAYS)

A RESOLUTION APPOINTING RICHARD C. “DICK” BLANKENBEKER TO THE SENIOR CITIZENS COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all

members present, the resolution was unanimously adopted (8/0). Alderman Witcher advised as of this date there were more than 8,100 members of the Patrick Henry Hays Senior Citizens Center.

R-05-13 (RESOLUTION NO. 6713 - MAYOR HAYS)

A RESOLUTION APPOINTING TONY VESTAL TO THE CENTRAL ARKANSAS TRANSIT AUTHORITY BOARD; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Berry and seconded by Alderman Gipson. On the motion of Alderman Berry and seconded by Alderman Gipson, and by consent of all members present, the resolution was amended as follows:: include personal information sheet provided this date (8/0). On the motion of Alderman Berry and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

Mayor Hays thanked all board and commission members who were present for being at the council meeting, throughout the meeting, and thanked them for their service to the city of North Little Rock.

R-05-14 (RESOLUTION NO. 6714 - MAYOR HAYS)

A RESOLUTION APPROVING EXTENSION OF THE LEASE AGREEMENT BETWEEN THE CITY OF NORTH LITTLE ROCK AND TWIN CITY BANK FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 7TH AND MAIN STREET; AND FOR OTHER PURPOSES, was read. Alderman Witcher advised he would abstain during the vote on this item. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, with the exception of Alderman Witcher who abstained, the resolution was adopted (7/1).

R-05-15 (RESOLUTION NO. 6715 - MAYOR HAYS)

A RESOLUTION AMENDING RESOLUTION 6692 TO APPROVE A 3% SALARY INCREASE FOR NORTH LITTLE ROCK; A 3% PERCENT FOR NORTH LITTLE ROCK DISTRICT COURT JUDGES AND CLERKS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Gipson, and by consent of all members present, the resolution was unanimously adopted (8/0). Mayor Hays advised the District Judges and Court Clerks were excluded in Resolution No. 6715 due to proposed legislation wherein the State of Arkansas would take over the salary funding for the District Judges and Court Clerks.

R-05-16 (RESOLUTION NO. 6716 - ALDERMAN GIPSON)

A RESOLUTION APPROPRIATING \$12,538.00 FOR SERVICES RELATED TO A WATER MAIN EXTENSION AND FIRE HYDRANT INSTALLATION ON 13TH STREET; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted (8/0). Alderman Gipson advised Alderman Yielding had included fire hydrants in the 2004 Series Short-term Financing Budget to provide for one-half the costs of fire hydrant installation in the aforementioned area.

R-05-17 (RESOLUTION NO. 6717 - ALDERWOMAN ROBINSON)

A RESOLUTION AUTHORIZING THE CLEARING OF LAND OWNED BY NEW HOPE BAPTIST CHURCH IN EXCHANGE FOR THE DONATION OF A ONE ACRE PARK TO BE JOINED TO THE GLENVIEW COMMUNITY CENTER FOR THE CONSTRUCTION OF A WALKING TRAIL; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Thomas, and by consent of all members present, the resolution was unanimously adopted (8/0).

O-05-05

AN ORDINANCE REPEALING ORDINANCE NO. 5829 AND ALL AMENDMENTS THERETO; ADOPTING ADMINISTRATIVE PERSONNEL POLICIES AND PROCEDURES FOR DEPARTMENTS EMPLOYING NON-UNIFORMED EMPLOYEES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held at the request of the sponsor, Mayor Hays. Mayor Hays advised he and Mrs. Laura Lasiter, Personnel Director have been working on a revised personnel and procedures policy.

O-05-06

AN ORDINANCE REPEALING ORDINANCE NO. 3171 ("THE ZONING ORDINANCE") AND ALL AMENDMENTS THERETO; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called. Mayor Hays advised this legislation would adopt a new Zoning Ordinance and repeal existing Zoning Ordinances. Mayor Hays scheduled a presentation at the February 14, 2005, City Council meeting, during which, Mr. Robert Voyles, Planning Director would provide a synopsis of the content of the legislation and recommendations of the Planning Commission. A public hearing will be held on Monday, February 28, 2005, at 7:05 p.m. Mayor Hays advised the legislation will be posted on the City's web site after it is adopted. Alderman Gipson said the Alderman need a copy of zoning areas within their ward of the city. Mayor Hays said the title should be amended to accurately explain what the intent is. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was amended as follows:: *insert in title* An Ordinance ADOPTING A NEW ZONING ORDINANCE; AND to repeal the old zoning Ordinance (Ordinance No. 3171) and all amendments thereto (8/0).

O-05-07

AN ORDINANCE RESTRICTING INDUSTRIAL ACCESS THROUGH RESIDENTIALLY ZONED PROPERTY; AMENDING ORDINANCE NO. 3171; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading. The ordinance was read a second time. Alderman Thomas asked if this legislation involved railroad property and questioned if it would effect such locations. Alderman Berry

said O-05-06 would grandfather in existing locations. Acting City Attorney Andrea Woods advised the Planning Department said the O-05-06 would include such locations. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, with the exception of Alderman Thomas who voted no, the rules were again suspended and the ordinance was placed on its third and final reading (7/1). The ordinance was read a third and final time. Mr. Voyles asked if this relates to Industrial Drives. Mr. Voyles advised there are areas in the city currently zoned residential. This legislation would help control zoning requirements by prohibiting routes through neighborhoods to be used by truck traffic. A motion to amend was made by Alderman Thomas and seconded by Alderman Berry to insert a new SECTION 4. THIS LEGISLATION SHALL NOT EFFECT ANY EXISTING ROADWAYS and renumber old Section 4 to new SECTION 5. After discussion, Alderman Thomas withdrew his motion and Alderman Berry withdrew his second. The legislation was then held by the sponsor, Alderman Berry.

O-05-08

AN ORDINANCE AMENDING CHAPTER 90 OF THE NORTH LITTLE ROCK MUNICIPAL CODE BY REQUIRING PERSONS AND/OR ENTITIES TO REMOVE OR SECURE DOORS OR LATCHES OF HOUSEHOLD APPLIANCES PLACED OUT FOR COLLECTION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Berry and seconded by Alderman Gipson, and by consent of all members present, the rules were suspended and the ordinance was placed on its third and final reading. Mayor Hays asked the City Attorney to review the legislation to clarify what *Household Appliance* means. The legislation was then held at the request of the sponsor, Mayor Hays.

PUBLIC COMMENTS-----

Mr. Bobby Taylor advised tin had been applied under the Morgan Building in Rose City and the yard has been cleaned. However, the building is still an eyesore. Mrs. Woods advised several lawyers are involved in this issue and she would be participating in a conference call on the 25th regarding the same.

There being no further business to come before the Council, and on the motion of Alderwoman Robinson and seconded by Alderman Berry, and no one else wishing to be heard, the meeting adjourned at 8:30 p.m. (8/0), until the next regular meeting to be held on Monday, February 14, 2005, at seven o'clock p.m. in the City Council Chambers, City Hall, North Little Rock, Arkansas.

APPROVED:
MAYOR PATRICK HENRY HAYS

ATTEST:
DIANE WHITBEY, CITY CLERK